

08-31-01

CPA/1632

Please type a plus sign (+) inside this box

PTO/SB/29 (10/00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

CONTINUED PROSECUTION APPLICATION (CPA)

REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

RECEIVED
U.S. PATENT AND TRADEMARK OFFICE
SEP 05 2001
DUPLICATE

AUG 29 2001

Address to:

Assistant Commissioner for Patents
Box CPA
Washington, DC 20231

Attorney Docket No. of Prior Application	514413-3669
First Named Inventor	Donn
Examiner Name	P. Brunovskis
Group/Art Unit	1632
Express Mail Label No.	EL819167826US

This is a request for a continuation or divisional application under 37 C.F.R. 1.53(d), (continued prosecution application (CPA)) of prior application number 09/155,921, filed on May 13, 1999, entitled PROCESS FOR THE PRODUCTION OF PLANTS WITH ENHANCED GROWTH CHARACTERISTICS.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. 1.51(b) or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P- NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. Enter the unentered amendment previously filed on July 17, 2001 under 37 C.F.R. 1.116 in the prior nonprovisional application.
2. A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. 1.53(d)(4).
 - a. **DELETE** the following inventor(s) named in the prior nonprovisional application:
 - b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. PTO-1449
 - b. Copies of IDS Citations

09/04/2001 RWRIS1 00000061 09155921

01 FC:131

710.00 0P

Please type a plus sign (+) inside this box → [+]

PTO/SB/29 (10/00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR. 1.16(c) or (j))	7 - 20* =	0	x \$ 18 =	\$ 0.00
	INDEPENDENT CLAIMS (37 CFR. 1.16(b) or (i))	2 - 3** =	0	x \$ 80 =	0.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ 270 =	
				BASIC FEE (37 C.F.R. § 1.16)	710.00
				Total of above Calculations =	\$ 710.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				
	* Reissue claims in excess of 20 and over original patent.				
	** Reissue independent claims over original patent			TOTAL =	\$ 710.00

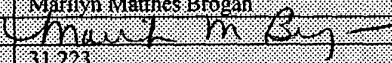
6. Small entity status: Applicant claims small entity status. See 37 CFR 1.27)
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 50-0320
 - a. Fees required under 37 C.F.R. 1.16.
 - b. Fees required under 37 C.F.R. 1.17.
 - c. Fees required under 37 C.F.R. 1.18.
8. A check in the amount of \$710.00 is enclosed.
9. Payment by credit card. Form PTO-2038 is attached.
10. Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
11. New Attorney Docket Number, if desired
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
12. a. Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
b. Return Receipt Postcard (Should be specifically itemized, See MPEP 503).
13. Other:

NOTE: *The prior application's correspondence address will carry over to this CPA
UNLESS a new correspondence address is provided below.*

14. NEW CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number or Bar Code Label	(Insert Customer No. or Attach bar code label here)			<input type="checkbox"/> New correspondence address below
Name	FROMMER LAWRENCE & HAUG LLP			
Address	745 Fifth Avenue			
City	New York	State	NY	Zip Code
Country	U.S.	Telephone	(212) 588-0800	Fax (212) 588-0500

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Marilyn Matthes Brogan
Signature	
Registration No. (Attorney/Agent)	31-223
Date	August 29, 2001

RECEIVED

SEP 05 2001

TECH CENTER 1600/2900



CERTIFICATE OF MAILING – SEPARATE PAPER

Attorney Docket No. : 514413-3669
Serial No. : 09/155,921
Filed : May 13, 1999
Applicant(s) : Donn

Date of Deposit 08/29/01 via "Express Mail" # EL 819167826 US

I hereby certify that a Continued Prosecution Application and related documents for the above-referenced application are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to:

Box CPA
Assistant Commissioner for Patents
Washington, D.C. 20231

Charles J. Fox, Jr.
(Typed or printed name of person mailing paper or fee)

Charles J. Fox, Jr.
(Signature of person mailing paper or fee)



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/155,921	05/13/1999	1632	1060	514413-3669		1	1

CONFIRMATION NO. 9327

CORRECTED FILING RECEIPT



OC000000006521413

WILLIAM F LAWRENCE
FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE
NEW YORK, NY 10151

Date Mailed: 09/06/2001

Receipt is acknowledged of a CPA in this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

GUNTER DONN, HOFHEIM, GERMANY;
PETER ECKES, KELKHEIM, GERMANY;
HUBERT MULLNER, KELKHEIM, GERMANY;
DENES DUDITS, SZEGED, HUNGARY;
ATTILA FEHER, SZEGED, HUNGARY;
KATALIN PAULOVICS, GRADNA, HUNGARY;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A 371 OF PCT/EP97/01741 04/08/1997

Foreign Applications

EUROPEAN PATENT OFFICE (EPO) 96 105 679.3 04/11/1996

If Required, Foreign Filing License Granted 09/06/2001

CPA filed on: 08/29/2001

Projected Publication Date: 12/13/2001

Non-Publication Request: No

Early Publication Request: No

Title

PROCESS FOR THE PRODUCTION OF PLANTS WITH ENHANCED GROWTH
CHARACTERISTICS

Preliminary Class

800

Data entry by : ZIMMERMAN, PATSY

Team : 1600

Date: 09/06/2001



**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

PLEASE NOTE the following information about the Filing Receipt:

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "**new**," "**improved**," "**improvements in**" or "**relating to**" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, DC 20231